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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/543,031	07/21/2005	Thanasis Loupas	US030029 US	8976
28159	7590	10/02/2007	EXAMINER	
PHILIPS MEDICAL SYSTEMS			CWERN, JONATHAN	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS			ART UNIT	PAPER NUMBER
P.O. BOX 3003			3737	
22100 BOTHELL EVERETT HIGHWAY				
BOTHELL, WA 98041-3003				
MAIL DATE		DELIVERY MODE		
10/02/2007		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	10/543,031	LOUPAS, THANASIS
	Examiner	Art Unit
	Jonathan G. Cwern	3737

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 21 July 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-21 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-21 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 21 July 2005 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/21/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 7/21/05 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Goujon (US 5941826).

Goujon shows the invention as claimed, in the figures and text as, pertaining to claims 1-14, a method for displaying the distribution of a motion characteristic occurring at a region of interest in a two or three dimensional ultrasound image of the body comprising (column 4, lines 5-15): acquiring a sequence of spatially dimensioned ultrasound images in which a motion characteristic is displayed (column 6, lines 10-60); delineating a region of interest (ROI) in one of the images where motion is present in the image (column 7, lines 30-40); processing the motion data from image points of the delineated ROI to determine the distribution of a motion characteristic as a function of

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time (column 6, lines 10-60); and displaying the distribution of the motion characteristic as a function of time (column 6, lines 10-60); displaying a spectrogram (the histogram is called a Doppler spectrum, column 6, lines 10-60). Also, the images are color images and can be stored in a buffer (the memory is a buffer, column 6, lines 10-60); displaying an image of the ROI where the spectrogram is concurrently displayed (column 13, lines 35-55, and Figure 8); wherein the motion comprises blood flow velocity (distribution of speed and blood flow rate, column 4, lines 5-15); wherein the motion comprises tissue motion velocity (displacement of vessel walls, column 4, lines 5-15); wherein the motion comprises blood flow velocity derivatives (the amount of blood present is calculated over a change in time, this can be interpreted to be calculating blood flow velocity derivatives, the change in the amount of blood in a particular segment of the vessel over the change in time, column 6, lines 10-60); delineating a plurality of pixels in the images (user selects a vessel of interest to be segmented (delineated), the vessel will comprises a plurality of pixels, column 7, lines 25-40).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

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5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claims 15-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Goujon (US 5941826) in view of (Mo et al. (US 6142943).

Goujon shows the invention substantially, in the preceding rejection under 35 USC 102(b).

Goujon fails to specifically mention the use of a beamformer coupled to the ultrasound probe.

Mo teaches a beamformer connected to the probe (column 3, lines 30-45, and Figure 1).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have had a beamformer connected to the ultrasound probe as taught by Mo, in the device of Goujon, with the motivation that a beamformer is a common element found in an ultrasound system to receive the return signals. There is a reasonable expectation of success to combine these references because both are related to ultrasound Doppler measurement of blood flow.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See attached Notices of References Cited.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan G. Cwern whose telephone number is 571-270-1560. The examiner can normally be reached on Monday through Friday 9:30AM - 6:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Casler can be reached on 571-272-4956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JC
9/24/07


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